

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

GEORGE J. MEYERAAN
ELIZABETH A. MEYERAAN

Bky Case No 04-60270 DDO
Chapter 13

Debtor(s)

OBJECTION TO CONFIRMATION OF PLAN

TO: All parties in interest under Local Rule 9013-3.

1. I, Michael J. Farrell, am the standing trustee assigned to the above-mentioned case.
2. A confirmation hearing has been set for 10:00 a.m. on October 26, 2004 in Courtroom 2 – 2nd Floor, 118 South Mill Street, Fergus Falls, Minnesota, 56537.
3. Any response to this motion must be filed and delivered not later than 10:00 a.m. on October 21, 2004, which is three days before the time set for the hearing (excluding Saturdays, Sundays, and holidays), or filed and served by mail not later than October 15, 2004, which is seven days prior to the hearing (excluding Saturdays, Sundays, and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**
4. The Court has jurisdiction pursuant to 28 U.S.C. § § 157 and 1334, Fed. R. Bankr. P. 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this Chapter 13 case was filed on March 26, 2004. This case is now pending in this Court.
5. This motion arises under 11 U.S.C. § 1322 and 1325 and Bankruptcy Rule 3015. This motion is filed under Bankruptcy Rule 9014 and Local Rules 3015-3, 9006-1, 9013-1 through 9013-5, and such other Local Rules as may apply. Movant requests relief with respect to denial of confirmation of the debtors' proposed Chapter 13 Plan filed on March 10, 2004 (the "Plan").
6. The Debtor, Elizabeth Meyeraan, lists her income on Schedule I as approximately \$909.00 gross monthly. The Trustee believes her income to be substantially higher than that listed in the schedules filed with the Court. By her testimony at the 341 investigation, her income is closer to \$545.00 per week as an assistant manager for Kmart. These figures should be reviewed and adjusted to reflect the accurate income for both debtors.

7. The Trustee believes that the expenses are not listed accurately in the schedules that have been filed with the Court. Schedule J lists recreational expenses at \$454.00 per month. The Debtors testified that these expenses maybe lower than stated in the schedules. Also, they have a son who is over 21 years of age, self-employed, and living at home. The Debtors are paying for all the household expenses. He should be paying a share of those expenses out of his own income. The Debtors expenses, as listed in Schedule J, should be reviewed for accuracy and adjusted to reflect the correct amounts.
8. The Trustee objects to the confirmation of the plan on the basis that Debtors are not submitting all of their projected disposable income during the first three years into the plan. With the Schedules I and J amended to reflect more accurate income and expense figures, there should be additional income to pledge to the benefit of the unsecured creditors.

Therefore, the trustee requests that the proposed plan be denied and any other action the court deems fit.

Dated September 28, 2004

/s/ Michael J. Farrell

Michael J. Farrell, Trustee
Box 519
Barnesville, MN 56514
(218) 354-7356

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The undersigned, being an employee of the standing Chapter 13 Trustee, declares that on the date indicated below, I served the following:

Notice of Trustee's Objection to Confirmation of Plan
and Unsworn Declaration of Proof of Service

Upon each of the entities named below, by mail (unless otherwise indicated below) by mailing to each of them a copy thereof by enclosing same in an envelope with first class mail postage prepaid, and depositing same in the post office at Barnesville, Minnesota, addressed to each of them as follows:

Debtor(s):

GEORGE J. MEYERAAN
ELIZABETH A. MEYERAAN
488 BIRCHWOOD RD. NW
ALEXANDRIA, MN 56308

Debtor's Attorney:

JOHN HATLING
1005 PEBBLE LAKE RD.
FERGUS FALLS, MN 56537

Additional Copy(s) addressed to:

UNITED STATES TRUSTEE
1015 U.S. COURTHOUSE
300 W. 4TH ST.
MINNEAPOLIS, MN 55415

And I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: September 28, 2004

/s/ Belinda D. Kurtz
Belinda D. Kurtz
Chapter 13 Office

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This matter came before the Court on October 26, 2004 at 10:00 a.m., or as soon thereafter as could be heard on Confirmation of Debtor's Chapter 13 Plan. The appearances are as noted on the record. The court made its findings and conclusion on the record. Based on the Local and Federal Rules of Bankruptcy Procedure, it is

HEREBY ORDERED:

Confirmation of Debtor's Chapter 13 Plan is DENIED.

Dated: _____

Dennis D. O'Brien
U.S. Bankruptcy Judge